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U.S. DISTRICT COURT ED NY
★ NOV 17 2005 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

P.M. _____
7:30 A.M. _____
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JOE CHRISTOPH and
BARBARA PARAIZO,

Plaintiffs,

05 CV 4100 (SJ)(RML)

- against -

ORDER

AMR CORP. and AMERICAN
AIRLINES, INC.,

Defendants.

-----X
A P P E A R A N C E S:

JOEL CHRISTOPH, ESQ.
34-23 Steinway Street
Suite 888
Long Island City, NY 11101
By: Joel Christoph, Esq.
Attorney for Plaintiffs

RUTHERFORD & CHRISTIE, LLP
300 East 42nd Street
New York, NY 10017-5947
By: David Scott Rutherford and Jennifer H. Pymm, Esq.
Attorney for Defendants

JOHNSON, Senior District Judge:

Before the Court is a Report and Recommendation ("the Report"), prepared by

CM

Magistrate Judge Robert M. Levy¹ in response to an order of this Court dated August 23, 2006.² Judge Levy filed the Report on October 13, 2006, and provided the parties 10 days upon receipt of the Report to file any objections. No objections have been filed.

A district court judge may designate a magistrate judge to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate's report. Id. Upon *de novo* review of those portions of the record to which objections were made, the district court judge may affirm or reject the recommendations. Id. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985).

As mentioned, no objections were filed within the allotted time period. Thus, upon review, the Court adopts and affirms the Report and Recommendation in its entirety. Plaintiffs' motion is granted and this case will be remanded to state court for

¹The Court thanks Judge Levy for his work in this regard.

²Familiarity with the facts and procedural posture of the case are presumed.

lack of jurisdiction. The Clerk of the Court is directed to close the case.

SO ORDERED.

Dated: November 14, 2006
Brooklyn, NY

s/SJ

Senior U.S.D.J.